

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	392.13	0.00	5.95	398.08	0.00	5.95	398.08	398.08
Personal Services	22,067,067	3,404,306	1,227,366	26,698,739	3,543,326	2,306,494	27,916,887	54,615,626
Operating Expenses	16,357,847	(8,528,693)	1,049,342	8,878,496	(8,483,521)	1,195,693	9,070,019	17,948,515
Equipment	336,004	39,028	0	375,032	61,049	0	397,053	772,085
Grants	0	0	300,000	300,000	0	0	0	300,000
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	29,269	0	0	29,269	0	0	29,269	58,538
Total Costs	\$38,790,187	(\$5,085,359)	\$2,576,708	\$36,281,536	(\$4,879,146)	\$3,502,187	\$37,413,228	\$73,694,764
General Fund	37,410,432	(5,493,638)	2,400,235	34,317,029	(5,291,166)	3,269,263	35,388,529	69,705,558
State/Other Special	1,209,268	409,187	219,270	1,837,725	412,398	274,041	1,895,707	3,733,432
Federal Special	170,487	(908)	(42,797)	126,782	(378)	(41,117)	128,992	255,774
Total Funds	\$38,790,187	(\$5,085,359)	\$2,576,708	\$36,281,536	(\$4,879,146)	\$3,502,187	\$37,413,228	\$73,694,764

Agency Description

Article III, Section I, and Article VII of the Montana Constitution authorize the Judicial Branch. The Judiciary consists of six programs: 1) Supreme Court Operations; 2) Boards and Commissions; 3) Law Library; 4) District Court Operations; 5) Water Court Supervision; and 6) the Clerk of the Supreme Court.

Agency Highlights

Judiciary Major Budget Highlights
<ul style="list-style-type: none"> ◆ A decrease in funding due to the movement of responsibility for the costs of public defender services (\$9.5 million annually) from the District Court Operations program within the Judiciary to a new executive branch agency is offset by increases for: <ul style="list-style-type: none"> • Statewide present law adjustments of about \$7.7 million • Wage parity within the branch, \$0.68 million • Present law IT \$0.5 million • New proposals totaling about \$3.1 million including drug treatment courts \$1.3 million, self-help law program \$0.5 million, an additional 3.95 FTE for district courts and funding for district court safety and security needs \$0.3 million each ◆ About \$4 million general fund to support information technology projects is appropriated in HB 4 of the 2007 special session ◆ A supplemental appropriation of \$2.5 million was provided to cover costs related to public defender services, part of District Court variable costs for FY 2006

Summary of Legislative Action

The judicial branch budget provided by the legislature is \$2.5 million and \$1.4 million for FY 2008 and 2009, respectively, less than the 2006 base budget. This reduction occurs primarily in general fund and is due to a reduction in funding for district court operations related to the public defender services that is partially offset by increased funding for other items within the branch. General fund is reduced by \$9.5 million a year to reflect the movement of responsibility for

public defender services to a new executive branch agency effective July 1, 2007, as provided by legislation passed by the 2005 Legislature. The reduction is offset by funding for:

- Statewide present law adjustments for personal services, \$6.3 million
- 2009 biennium pay plan, \$2.7 million
- Statewide present law adjustments for fixed costs (primarily Department of Administration network related charges), \$1.2 million
- Wage parity within the branch, \$0.68 million
- IT software maintenance, \$0.5 million
- New proposals totaling about \$3.1 million including:
 - Drug treatment courts, \$1.3 million
 - Self-help law program, \$0.5 million
 - An additional 3.95 FTE for district courts, \$0.3 million
 - District court safety and security needs, \$0.3 million

State special revenue supporting the branch increases slightly more than \$600,000 a year when FY 2008 and 2009 are compared to the base budget. This increase is due to:

- Appropriation of state special revenue from the accrued county sick/vacation leave account to fund anticipated costs associated with termination of employment of individuals that were county employees prior to state assumption of district court costs, \$245,806
- Increased funding for the Water Court for anticipated increases in office rental costs and personal services costs related to movement of employees from law clerks to water masters upon the completion of training, \$125,796
- 2009 biennium pay plan, \$183,857

Federal funds decrease slightly (about \$45,000 a year) because the Court Appointed Special Advocate Program (CASA) has become a separate not-for-profit organization and this organization will receive the federal CASA grant directly rather than the grant being administered through the branch.

Agency Discussion

The branch budget approved by the legislature included funding for three legislative initiatives. However, the Governor utilized a line item veto to eliminate one of these items. Each of these initiatives is discussed in a paragraph below.

Drug Treatment Courts

The legislature provided \$1.3 million general fund as a restricted, biennial appropriation to support drug treatment courts. Language included in the appropriations bill specifies that these funds may be used only to provide grants to drug treatment courts, up to one full-time administrator, ongoing review of the operations of drug treatment courts, and the development of policies necessary to administer the provision of grants to drug treatment courts.

Self-help Law Program

The legislature provided \$505,000 general fund as a restricted, biennial, one-time-only general fund appropriation (including 1.00 FTE) to support a new self-help law program. Language included in the appropriations bill specifies that these funds may be used only for:

- The provision of and to support the development, maintenance, and availability of self-help legal forms and instructions regarding civil legal proceedings in Montana's courts
- The development of curriculum and materials suitable for classes and clinics about civil legal proceedings and forms
- The development, updating, and provision of information and training materials for judges, clerks of court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to assist self-represented litigants in a manner that is impartial, facilitates effective and efficient court operations, and does not constitute providing direct legal representation
- The establishment and maintenance of multimedia materials that provide information about Montana's civil laws, courts, rules, legal forms, and available legal resources

- Coordination, recruitment, and training of volunteer attorneys to provide legal advice and direct legal representation to persons with civil legal needs who are unable to pay for those services
- Coordination and cooperation with other access to justice efforts

Report on Measurable Goals and Objectives

The legislature provided \$2,500 general fund a year as a restricted, one-time-only appropriation for a semiannual report to the Legislative Finance Committee on the branch's progress toward goals presented to the 2007 legislature and attainment of measurable objectives as included in the agency's template. These reports are due to the Legislative Finance Committee by December 31, 2007 and June 30, 2008. The Governor utilized a line item veto to remove this item.

Funding

The following table summarizes funding for the agency, by program and source, as adopted by the legislature. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2009 Biennium Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 18,034,105	\$ 220,084	\$ 255,774	\$ 18,509,963	25.12%
02 Boards And Commissions	552,138	50,012	-	602,150	0.82%
03 Law Library	1,753,743	-	-	1,753,743	2.38%
04 District Court Operations	48,488,381	506,894	-	48,995,275	66.48%
05 Water Courts Supervision	-	2,956,442	-	2,956,442	4.01%
06 Clerk Of Court	877,191	-	-	877,191	1.19%
Grand Total	<u>\$ 69,705,558</u>	<u>\$ 3,733,432</u>	<u>\$ 255,774</u>	<u>\$ 73,694,764</u>	100.00%

The judicial branch is funded primarily with general fund (95 percent), while state special revenue provides about 5 percent and federal funds provide less than 1 percent. The largest sources of state special revenue are renewable resource grants and loans and the water adjudication account that support the Water Court. Other sources of state special revenue include a portion of the dissolution of marriage fee that supports civil legal services for indigent victims of domestic violence, and county payments for accumulated sick and annual leave for individuals who became state employees at the time of district court assumption.

Other Legislation

Please note, unless specified otherwise this section covers legislation passed during the 2007 regular session.

House Bill 4 (2007 special session) HB 4 of the 2007 special session appropriates \$2.9 million from the Long Range Information Technology Program for case management and courtroom technology improvements and \$1.0 million for operating costs associated with these information technology projects.

House Bill 18 – This bill, which is effective upon passage and approval, repeals the statutory time limit for filing of travel expense vouchers by district court judges in multi-county districts.

House Bill 402 – This bill increases certain fees collected by the Supreme Court including those for the filing of notice of appeal in civil cases and filing a petition for any writ. This bill also provides that fees be charged to the cross-appellant for filing a notice of appeal in a civil case and for retrieval of court records from the Secretary of State.

House Bill 473 – This bill repealed the water adjudication fee established by the 2005 Legislature and provided for the transfer of \$25 million from the general fund to the water adjudication account in the state special revenue fund. This state special revenue fund supports Water Court activities related to the acceleration of adjudication of water claims. The 2007 legislation also establishes completion of initial claims examination as a higher priority than reexamination of claims that were subject to the verification. However, the Water Court may issue an order that makes reexamination a higher priority. The Water Court is directed in this legislation to prioritize basins for the purpose of claims examination and reexamination by the Department of Natural Resources and Conservation.

House Bill 629 This bill provides that mediation may be utilized as an alternative form of dispute resolution in certain criminal proceedings.

Senate Bill 124 – This bill provides that the Office of Court Administrator or Office of Public Defender not be charged for the examination, care, custody, and treatment of a criminal defendant for which the legislature has made a general fund appropriation.

Senate Bill 146 – This bill generally revises the Juvenile Delinquency Intervention Act and related provisions including:

- Revising the duties of the Department of Corrections, Office of Court Administrator, Cost Containment Review Panel, District Court Council and youth courts
- Requiring that judicial districts participate in the program
- Requiring the District Court Council adopt policies and procedures
- Providing for the transfer of unexpended funds at the end of the fiscal year to the Office of Court Administrator for deposit into the Youth Court Intervention and Prevention Account
- Outlining various agencies' responsibility for the cost of transportation of youth

Senate Bill 382 – This bill allows district courts or courts of limited jurisdiction to establish mental health treatment courts for persons with a mental disorder who are charged with a criminal offense and provides that participation in mental health treatment courts is voluntary.

Executive Budget Comparison

The following table compares the legislative budget in the 2009 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2006	Executive Budget Fiscal 2008	Legislative Budget Fiscal 2008	Leg – Exec. Difference Fiscal 2008	Executive Budget Fiscal 2009	Legislative Budget Fiscal 2009	Leg – Exec. Difference Fiscal 2009	Biennium Difference Fiscal 08-09
FTE	392.13	397.58	398.08	0.50	397.58	398.08	0.50	
Personal Services	22,067,067	25,406,677	26,698,739	1,292,062	25,469,509	27,916,887	2,447,378	3,739,440
Operating Expenses	16,357,847	8,358,330	8,878,496	520,166	8,395,465	9,070,019	674,554	1,194,720
Equipment	336,004	375,032	375,032	0	397,053	397,053	0	0
Grants	0	300,000	300,000	0	0	0	0	0
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	29,269	29,269	29,269	0	29,269	29,269	0	0
Total Costs	\$38,790,187	\$34,469,308	\$36,281,536	\$1,812,228	\$34,291,296	\$37,413,228	\$3,121,932	\$4,934,160
General Fund	37,410,432	32,602,570	34,317,029	1,714,459	32,420,848	35,388,529	2,967,681	4,682,140
State/Other Special	1,209,268	1,741,358	1,837,725	96,367	1,744,569	1,895,707	151,138	247,505
Federal Special	170,487	125,380	126,782	1,402	125,879	128,992	3,113	4,515
Total Funds	\$38,790,187	\$34,469,308	\$36,281,536	\$1,812,228	\$34,291,296	\$37,413,228	\$3,121,932	\$4,934,160

Funding provided by the legislature is \$4.9 million general fund greater than the executive budget due to the approval of elected official requests and legislative initiatives. Elected official requests include:

- General fund for:
 - Pay equity issues within the branch, \$683,116
 - Judicial education, \$70,000
 - Boards and Commissions, a reduction of \$44,350
- State special revenue to advance staff to water masters when training is complete, about \$30,000 per year

Legislative initiatives supported by general fund are:

- Drug treatment court funding, \$1.3 million and 1.00 FTE for the biennium
- Self-help law program, \$505,000 and 1.00 FTE for the biennium

Funding increases for elected official requests and legislative initiatives are offset by items included in the executive

budget that were not approved by the legislature including general fund for:

- An appellate mediator, \$119,334 in FY 2008 and \$113,949 in FY 2009
- Psychological exams and related costs, \$200,000 per year

Additionally, funding for the 2009 biennium pay plan adds \$2.7 million general fund.

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	62.75	0.00	2.00	64.75	0.00	2.00	64.75	64.75
Personal Services	3,742,078	531,561	255,072	4,528,711	543,277	433,319	4,718,674	9,247,385
Operating Expenses	2,749,687	841,306	929,000	4,519,993	898,257	1,075,207	4,723,151	9,243,144
Equipment	9,717	0	0	9,717	0	0	9,717	19,434
Total Costs	\$6,501,482	\$1,372,867	\$1,184,072	\$9,058,421	\$1,441,534	\$1,508,526	\$9,451,542	\$18,509,963
General Fund	6,220,953	1,373,775	1,226,869	8,821,597	1,441,912	1,549,643	9,212,508	18,034,105
State/Other Special	110,042	0	0	110,042	0	0	110,042	220,084
Federal Special	170,487	(908)	(42,797)	126,782	(378)	(41,117)	128,992	255,774
Total Funds	\$6,501,482	\$1,372,867	\$1,184,072	\$9,058,421	\$1,441,534	\$1,508,526	\$9,451,542	\$18,509,963

Program Description

The Supreme Court has appellate jurisdiction for the State of Montana. The court has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs provided by law. It also has general supervisory control over all other courts in the state. The Supreme Court is charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, admissions to the bar, and the conduct of its members. Within the Supreme Court Operations program, the Office of Court Administrator provides services to the Judicial Branch including information technology, budget and finance, payroll and human resource management, policy and technical support for the Youth Courts, judicial education, and children's services provided through the federal Court Assessment Program.

Program Highlights

Supreme Court Operations Major Budget Highlights	
♦	Funding for the Supreme Court Operations programs increases primarily due to funding for drug treatment courts (\$1.3 million), statewide present law adjustments for personal services (\$1.1 million) and fixed costs (\$1.2 million), software maintenance (\$0.5 million), and a self-help law program (\$0.5 million)
♦	About \$4.0 million general fund for information technology projects is included in HB 4 of the 2007 special session

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Supreme Court Operations						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 6,220,953	95.7%	\$ 8,821,597	97.4%	\$ 9,212,508	97.5%
01100 General Fund	6,220,953	95.7%	8,821,597	97.4%	9,212,508	97.5%
02000 Total State Special Funds	110,042	1.7%	110,042	1.2%	110,042	1.2%
02536 Legal Assistance	110,042	1.7%	110,042	1.2%	110,042	1.2%
03000 Total Federal Special Funds	170,487	2.6%	126,782	1.4%	128,992	1.4%
03230 Fed Grant-Pass-Thru-Jud	170,487	2.6%	126,782	1.4%	128,992	1.4%
Grand Total	6,501,482	100.0%	9,058,421	100.0%	9,451,542	100.0%

Supreme Court operations are funded primarily with general fund. State special revenue from a portion of the dissolution of marriage fees is utilized to provide civil legal services for indigent victims of domestic violence (3-2-714, MCA). The program is also projected to receive about \$125,000 per year in federal grant funds during the 2009 biennium.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget approved by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
Fiscal 2008					Fiscal 2009				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				531,561					543,277
Inflation/Deflation				8,917					10,331
Fixed Costs				568,744					621,859
Total Statewide Present Law Adjustments				\$1,109,222					\$1,175,467
DP 1005 - Rent Federal Building									
0.00	2,771	0	151	2,922	0.00	5,100	0	244	5,344
DP 1007 - IT Software Maintenance									
0.00	260,723	0	0	260,723	0.00	260,723	0	0	260,723
Total Other Present Law Adjustments									
0.00	\$263,494	\$0	\$151	\$263,645	0.00	\$265,823	\$0	\$244	\$266,067
Grand Total All Present Law Adjustments				\$1,372,867					\$1,441,534

DP 1005 - Rent Federal Building - The legislature provided funding for the annual increase in office lease payments for the old federal building. A 2 percent per year increase occurs in November per the lease agreement.

DP 1007 - IT Software Maintenance - The legislature provided \$521,446 general fund for the biennium for maintenance and licensing of: 1) the Full Court Case Management System in the Courts of Limited Jurisdiction and District Courts (as the software is implemented); and 2) maintenance of the C-Track Appellate Case Management system for the Supreme Court.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 704 - Drug Treatment Courts (Restricted/Biennial)										
01	1.00	597,500	0	0	597,500	1.00	747,500	0	0	747,500
DP 706 - Self-Help Law Program (Restricted/Biennial/OTO)										
01	1.00	252,500	0	0	252,500	1.00	252,500	0	0	252,500
DP 1004 - Pro Se Law Clerk										
01	1.00	56,534	0	0	56,534	1.00	53,979	0	0	53,979
DP 1006 - CASA Federal Grant										
01	(1.00)	0	0	(44,199)	(44,199)	(1.00)	0	0	(44,230)	(44,230)
DP 1007 - CASA Funding Stabilization										
01	0.00	185,600	0	0	185,600	0.00	185,600	0	0	185,600
DP 6013 - 2009 Biennium Pay Plan - HB 13										
01	0.00	130,990	0	1,323	132,313	0.00	306,097	0	3,031	309,128
DP 6014 - Retirement Employer Contributions - HB 131										
01	0.00	3,745	0	79	3,824	0.00	3,967	0	82	4,049
Total	2.00	\$1,226,869	\$0	(\$42,797)	\$1,184,072	2.00	\$1,549,643	\$0	(\$41,117)	\$1,508,526

DP 704 - Drug Treatment Courts (Restricted/Biennial) - The legislature provided \$1,345,000 in a restricted, biennial appropriation to be used by the judicial branch to support drug treatment courts. This funding includes support for up to 1.00 FTE for program administration.

DP 706 - Self-Help Law Program (Restricted/Biennial/OTO) - The legislature provided a restricted, biennial, one-time-only appropriation of \$505,000 general fund to support a self-help law program that would provide information and assistance to individuals involved in civil litigation who are representing themselves. This includes funding for 1.00 FTE program administrator.

DP 1004 - Pro Se Law Clerk - The legislature provided \$110,513 general fund for the biennium to support a pro se (self represented litigant) law clerk for the Supreme Court. This position would be responsible for a preliminary review and tracking of petitions filed by pro se litigants to determine if legal procedural issues existed. Currently, each justice is responsible for individually completing this review.

DP 1006 - CASA Federal Grant - The legislature reduced federal funds by \$88,429 and 1.0 FTE for the biennium for the court appointed special advocate (CASA) grant. In January 2006, Montana's CASA program became a non-profit organization. The judicial branch will no longer receive federal funds for this program.

DP 1007 - CASA Funding Stabilization - The legislature provided \$371,200 general fund for the biennium for court appointed special advocates (CASA). Judges appoint trained CASA volunteers to serve as advocates for children in abuse and neglect cases. The 16 CASA programs in Montana operate on grant money and local fundraising in addition to a state payment of \$400 per case. The branch proposes changing the method for providing state support for these programs with a goal of providing the programs greater financial stability in an effort to ensure that these resources are available to serve abused and neglected children. The branch plans to use this funding to support 75 percent of the costs (estimated at \$15.00 per hour) for a full-time director for 6 large programs and a half-time director for 10 small programs.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Language

The legislature approved the following language for inclusion in HB 2. However, the Governor has line-item vetoed the language illustrated in italic.

"Funds in Drug Treatment Courts may be used only to provide grants to drug treatment courts and for up to one full-time administrator, ongoing review of the operations of drug treatment courts, and the development of policies necessary to administer the provision of grants to drug treatment courts. *Funding includes \$2,500 a year for the preparation of reports to the legislative finance committee on the program's measurable goals and objectives and achievement of those goals and objectives. If reports are not received by the legislative finance committee by December 31, 2007 and June 30, 2008, the fiscal year 2009 appropriation is reduced by \$2,500.*"

"Report on Progress Toward Measurable Goals and Objectives is funding for a semiannual report to the legislative finance committee of the following:

(1) progress toward the goals presented to the 2007 legislature in the agency's template; and

(2) attainment of measurable objectives as outlined in the agency's template presented to the 2007 legislature.

If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, the fiscal year 2008 appropriation is void."

"Funds in Self-Help Law Program may be used only to provide and support the development, maintenance, and availability of self-help legal forms and instructions regarding civil legal proceedings in Montana's courts; the development of curriculum and materials suitable for classes and clinics about civil legal proceedings and forms; the development, updating, and provision of information and training materials for judges, clerks of court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to assist self-represented litigants in a manner that is impartial, facilitates effective and efficient court operations, and does not constitute providing direct legal representation; the establishment and maintenance of multimedia materials that provide information about Montana's civil laws, courts, rules, legal forms, and available legal resources; coordination, recruitment, and training of volunteer attorneys to provide legal advice and direct legal representation to persons with civil legal needs who are unable to pay for those services; and coordination and cooperation with other access to justice efforts."

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	150,665	17,355	5,310	173,330	17,497	12,075	180,237	353,567
Operating Expenses	134,803	24,031	(22,175)	136,659	(704)	(22,175)	111,924	248,583
Total Costs	\$285,468	\$41,386	(\$16,865)	\$309,989	\$16,793	(\$10,100)	\$292,161	\$602,150
General Fund	260,462	41,386	(16,865)	284,983	16,793	(10,100)	267,155	552,138
State/Other Special	25,006	0	0	25,006	0	0	25,006	50,012
Total Funds	\$285,468	\$41,386	(\$16,865)	\$309,989	\$16,793	(\$10,100)	\$292,161	\$602,150

Program Description

The Supreme Court is responsible for a variety of matters involving rule making and oversight of the administration of justice in Montana. These obligations are met, in part, through various boards and commissions that are statutorily or legislatively mandated. These boards and commissions include the Sentence Review Division, Commission on Practice, Commission on Courts of Limited Jurisdiction, and Judicial Standards Commission.

Program Highlights

Boards and Commissions Major Budget Highlights	
♦	Statewide present law adjustments continued funding for judicial standard reviews, and the 2009 biennium pay plan account for the increase in this program budget

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Boards And Commissions							
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009	
01000 Total General Fund	\$ 260,462	91.2%	\$ 284,983	91.9%	\$ 267,155	91.4%	
01100 General Fund	260,462	91.2%	284,983	91.9%	267,155	91.4%	
02000 Total State Special Funds	25,006	8.8%	25,006	8.1%	25,006	8.6%	
02399 Boards And Commissions - Mji	25,006	8.8%	25,006	8.1%	25,006	8.6%	
Grand Total	\$ 285,468	100.0%	\$ 309,989	100.0%	\$ 292,161	100.0%	

The boards and commissions are funded primarily by the general fund. However, a small amount of funding (\$25,000) comes from tuition and admission fees for conferences that are deposited into a state special revenue account.

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget approved by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					17,355					17,497
Inflation/Deflation					1,684					1,950
Fixed Costs					(618)					(618)
Total Statewide Present Law Adjustments					\$18,421					\$18,829
DP 2002 - Judicial Standards Restricted/Bienn. Appropriation	0.00	22,965	0	0	22,965	0.00	(2,036)	0	0	(2,036)
Total Other Present Law Adjustments	0.00	\$22,965	\$0	\$0	\$22,965	0.00	(\$2,036)	\$0	\$0	(\$2,036)
Grand Total All Present Law Adjustments					\$41,386					\$16,793

DP 2002 - Judicial Standards Restricted/Bienn. Appropriation - The legislature provided \$20,929 of general fund for the biennium to restore to \$25,000 the funding used to pay for investigations of complaints against judges by the Judicial Standards Commission. Because standard inflation factors were applied and are included in the FY 2008 and 2009 budget, \$20,929 is needed to restore the appropriation to \$25,000 for the 2009 biennium. This funding was provided as a restricted, biennial appropriation so that unexpended funds would revert to the general fund.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 700 - Boards and Commissions - Reduction										
02	0.00	(22,175)	0	0	(22,175)	0.00	(22,175)	0	0	(22,175)
DP 6013 - 2009 Biennium Pay Plan - HB 13										
02	0.00	5,114	0	0	5,114	0.00	11,867	0	0	11,867
DP 6014 - Retirement Employer Contributions - HB 131										
02	0.00	196	0	0	196	0.00	208	0	0	208
Total	0.00	(\$16,865)	\$0	\$0	(\$16,865)	0.00	(\$10,100)	\$0	\$0	(\$10,100)

DP 700 - Boards and Commissions - Reduction - The legislature reduced funding for boards and commissions by \$22,175 general fund per year because additional revenue from fees is available to support certain boards and commissions.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	6.75	0.00	0.00	6.75	0.00	0.00	6.75	6.75
Personal Services	324,101	30,761	11,118	365,980	32,122	25,576	381,799	747,779
Operating Expenses	150,153	549	0	150,702	774	0	150,927	301,629
Equipment	278,760	39,028	0	317,788	61,049	0	339,809	657,597
Debt Service	23,369	0	0	23,369	0	0	23,369	46,738
Total Costs	\$776,383	\$70,338	\$11,118	\$857,839	\$93,945	\$25,576	\$895,904	\$1,753,743
General Fund	776,383	70,338	11,118	857,839	93,945	25,576	895,904	1,753,743
Total Funds	\$776,383	\$70,338	\$11,118	\$857,839	\$93,945	\$25,576	\$895,904	\$1,753,743

Program Description

The State Law Library of Montana provides access to recorded legal knowledge and information consistent with the present and anticipated research needs, responsibilities, and concerns of Montana's courts, legislature, state officers and employees, members of the bar, and members of the general public. Library staff also promotes understanding of the library's research capabilities by teaching legal bibliography and methods of legal research. Access to materials other than those in the library collection is facilitated by providing interlibrary loan service and having an internet presence. The library is overseen by a Board of Trustees consisting of Montana's Supreme Court Justices (22-1-502, MCA).

Program Highlights

Law Library Major Budget Highlights	
◆	Funding for the law library increases entirely due to statewide present law adjustments for personal services and inflationary increases (primarily in the costs of library books), and the 2009 biennium pay plan

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Law Library						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 776,383	100.0%	\$ 857,839	100.0%	\$ 895,904	100.0%
01100 General Fund	776,383	100.0%	857,839	100.0%	895,904	100.0%
Grand Total	\$ 776,383	100.0%	\$ 857,839	100.0%	\$ 895,904	100.0%

The law library is funded entirely from the general fund.

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget approved by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
Fiscal 2008						Fiscal 2009				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					30,761					32,122
Inflation/Deflation					549					774
Inflation/Deflation					39,028					61,049
Total Statewide Present Law Adjustments					\$70,338					\$93,945
Grand Total All Present Law Adjustments					\$70,338					\$93,945

New Proposals

New Proposals										
Fiscal 2008						Fiscal 2009				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2009 Biennium Pay Plan - HB 13										
03	0.00	10,706	0	0	10,706	0.00	25,139	0	0	25,139
DP 6014 - Retirement Employer Contributions - HB 131										
03	0.00	412	0	0	412	0.00	437	0	0	437
Total	0.00	\$11,118	\$0	\$0	\$11,118	0.00	\$25,576	\$0	\$0	\$25,576

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program’s allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Proprietary Rates

Proprietary Program Description

Law Library Searches/Research Enterprise Fund - The law library staff coordinates a contract that allows publicly employed legal professionals to access on-line legal resources at a more favorable rate than is typically charged by the contractor. The library is billed by the contracted service provider and in turn bills and collects reimbursement from subscribing entities.

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	296.13	0.00	3.95	300.08	0.00	3.95	300.08	300.08
Personal Services	16,780,759	2,426,681	847,476	20,054,916	2,549,867	1,656,845	20,987,471	41,042,387
Operating Expenses	13,076,483	(9,427,266)	142,517	3,791,734	(9,416,914)	142,661	3,802,230	7,593,964
Equipment	23,562	0	0	23,562	0	0	23,562	47,124
Grants	0	0	300,000	300,000	0	0	0	300,000
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	5,900	0	0	5,900	0	0	5,900	11,800
Total Costs	\$29,886,704	(\$7,000,585)	\$1,289,993	\$24,176,112	(\$6,867,047)	\$1,799,506	\$24,819,163	\$48,995,275
General Fund	29,756,160	(7,000,585)	1,167,090	23,922,665	(6,867,047)	1,676,603	24,565,716	48,488,381
State/Other Special	130,544	0	122,903	253,447	0	122,903	253,447	506,894
Federal Special	0	0	0	0	0	0	0	0
Total Funds	\$29,886,704	(\$7,000,585)	\$1,289,993	\$24,176,112	(\$6,867,047)	\$1,799,506	\$24,819,163	\$48,995,275

Program Description

The district courts are courts of general jurisdiction with authority in all criminal felony cases, civil matters, and other cases of law. The district courts are also the state's youth courts responsible for managing juvenile probation functions. There are 43 district court judges with responsibility divided into 22 judicial districts serving all 56 counties. The 2001 Legislature passed legislation providing for state funding of most district court expenses, including judges and their employees. This change made the district courts part of the Judicial Branch of state government and made the Supreme Court responsible for management of costs and operations. District court costs are the largest segment of the Judicial Branch budget.

Program Highlights

District Court Operations Major Budget Highlights	
♦	2009 biennium funding for district court operations decreases when compared to the base budget because: <ul style="list-style-type: none"> • The base budget is reduced by \$9.5 million general fund per year to reflect the movement of responsibility for public defender costs from the Judiciary to the new Office of Public Defender in the executive branch
♦	This decrease in funding is partially offset by statewide present law adjustments for personal services, funding to address pay equity issues within the branch, one-time-only funding for district court safety and security measures, and an increase of 3.95 FTE

Program Narrative

The FY 2006 base budget for the program is reduced by \$9.5 million to reflect the implementation of a new statewide public defender system and the movement of responsibility for these costs from the Judicial Branch to a new executive branch agency, the Office of the Public Defender. SB 146 of the 2005 session, known as the Montana Public Defender Act, provided for the creation of a new statewide system for the provision of public defender services and assigned responsibility for this system to a new executive branch agency effective July 1, 2006 (FY 2007). Prior to the implementation of the new statewide public defender system, responsibility for funding for public defender services was

the responsibility of either the state via the District Court Operations Program or county and city governments depending upon the nature of the expenditure and whether it involved a case heard in district court or a court of limited jurisdiction. Under the new statewide public defender system responsibility for funding and provision of public defender services for courts of limited jurisdiction also became the responsibility of the state. Additional information related to the new statewide public defender system may be found under the Office of the Public Defender in Volume 3 of the Legislative Fiscal Report for the 2009 Biennium.

Supplemental Appropriation

The branch received a supplemental appropriation of \$2.5 million for cost overruns in the District Court Operations Program due primarily to greater than anticipated costs for public defender services. FY 2006 district court variable costs exceeded appropriation levels by about \$3.1 million. About \$0.6 million of this overrun was offset by the transfer of funds from other programs within the branch and the balance of \$2.5 million was provided by the legislature as a supplemental appropriation.

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table District Court Operation						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 29,756,160	99.6%	\$ 23,922,665	99.0%	\$ 24,565,716	99.0%
01100 General Fund	29,756,160	99.6%	23,922,665	99.0%	24,565,716	99.0%
02000 Total State Special Funds	130,544	0.4%	253,447	1.0%	253,447	1.0%
02141 District Court Crim. Reimb.	130,544	0.4%	130,544	0.5%	130,544	0.5%
02788 Acc. Cty Sick/Vacation Leave	-	-	122,903	0.5%	122,903	0.5%
Grand Total	\$ 29,886,704	100.0%	\$ 24,176,112	100.0%	\$ 24,819,163	100.0%

District court operations are funded almost entirely with general fund. The program also receives some state special revenue from video conferencing and youth court fines and fees.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget approved by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
Personal Services				2,123,565					2,169,867	
Inflation/Deflation				40,531					50,883	
Fixed Costs				(1,549)					(1,549)	
Total Statewide Present Law Adjustments				\$2,162,547	\$2,219,201					
DP 4001 - Judicial Education	0.00	35,000	0	0	35,000	0.00	35,000	0	0	35,000
DP 4006 - Pay Equity	0.00	303,116	0	0	303,116	0.00	380,000	0	0	380,000
DP 4009 - Variable cost base adjustment	0.00	(9,501,248)	0	0	(9,501,248)	0.00	(9,501,248)	0	0	(9,501,248)
Total Other Present Law Adjustments										
	0.00	(\$9,163,132)	\$0	\$0	(\$9,163,132)	0.00	(\$9,086,248)	\$0	\$0	(\$9,086,248)
Grand Total All Present Law Adjustments				(\$7,000,585)	(\$6,867,047)					

DP 4001 - Judicial Education - The legislature provided an additional \$35,000 per year general fund (\$70,000 for the biennium) to increase funding for judicial education from \$100,000 per biennium to \$170,000 per biennium. This item was presented to the legislature as an elected official request and was not included in the executive budget.

DP 4006 - Pay Equity - The legislature provided \$683,116 general fund (\$303,116 in FY 2008 and \$380,000 in FY 2009) so that the branch can equalize pay among employees within the branch. This item was presented to the legislature as an elected official request and was not included in the executive budget.

DP 4009 - Variable cost base adjustment - The legislature reduced funding by \$9.5 million per year to reflect the change in responsibility for the costs of public defender services. The Montana Public Defender Act (2005 session) created a new statewide system for the provision of public defender services and assigned responsibility for this function to a new executive branch agency effective July 1, 2006 (FY 2007). Public defender costs for district court cases became a state financial responsibility with district court assumption and funding for these costs resided with the judicial branch, District Court Operations Program. Because these costs are included in the FY 2006 base budget but are no longer a responsibility of the branch, funding for these costs is removed from the 2009 biennium budget.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 4005 - District Court Safety and Security Proposal - OTO										
04	0.00	300,000	0	0	300,000	0.00	0	0	0	0
DP 4010 - Judicial Support and Youth Probation Staff										
04	3.95	162,424	0	0	162,424	3.95	163,054	0	0	163,054
DP 4011 - Replace State Special for funding from counties										
04	0.00	0	122,903	0	122,903	0.00	0	122,903	0	122,903
DP 6013 - 2009 Biennium Pay Plan - HB 13										
04	0.00	689,674	0	0	689,674	0.00	1,497,629	0	0	1,497,629
DP 6014 - Retirement Employer Contributions - HB 131										
04	0.00	14,992	0	0	14,992	0.00	15,920	0	0	15,920
Total	3.95	\$1,167,090	\$122,903	\$0	\$1,289,993	3.95	\$1,676,603	\$122,903	\$0	\$1,799,506

DP 4005 - District Court Safety and Security Proposal - OTO - The legislature provided a one-time-only general fund appropriation of \$300,000 for security infrastructure improvements in district courts. Funding in this proposal is to be allocated among district courts on a prorated basis based upon the number of district court rooms.

DP 4010 - Judicial Support and Youth Probation Staff - The legislature provided \$325,478 general fund for the biennium to support 3.95 FTE and related costs for district courts. This request includes 0.95 FTE for two judicial districts for support staff to perform administrative tasks and 3.0 FTE to support community-based supervision programs for youth in two judicial districts.

DP 4011 - Replace State Special for funding from counties - The legislature provided \$245,806 state special revenue for the biennium to fund projected retirement payouts for employees who became state employees at the time of district court assumption. When a judicial branch employee, who was a county employee at the time of district court assumption, retires the judicial branch pays their sick and annual leave balance payments from this state special revenue fund.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	18.00	0.00	0.00	18.00	0.00	0.00	18.00	18.00
Personal Services	714,651	377,406	96,367	1,188,424	378,291	151,138	1,244,080	2,432,504
Operating Expenses	205,060	31,781	0	236,841	34,107	0	239,167	476,008
Equipment	23,965	0	0	23,965	0	0	23,965	47,930
Total Costs	\$943,676	\$409,187	\$96,367	\$1,449,230	\$412,398	\$151,138	\$1,507,212	\$2,956,442
State/Other Special	943,676	409,187	96,367	1,449,230	412,398	151,138	1,507,212	2,956,442
Total Funds	\$943,676	\$409,187	\$96,367	\$1,449,230	\$412,398	\$151,138	\$1,507,212	\$2,956,442

Program Description

The Water Courts Supervision Program, located in Bozeman, adjudicates claims of existing water rights in Montana pursuant to Title 3, Chapter 7 and Title 85, Chapter 2, MCA.

Program Highlights

Water Courts Supervision Major Budget Highlights	
♦	The 2009 biennium budget increases primarily due to statewide present law adjustments for personal services.
♦	Personal services costs increase 66 percent when FY 2008 is compared to the FY 2006 base primarily due to fully funding 12 positions that were vacant all or part of the base year and inclusion of the 2009 biennium pay plan

Program Narrative

Legislation that was passed and approved (HB 473 of the regular session) repealed the water adjudication fee established by the 2005 Legislature and provided for the transfer of \$25 million from the general fund to the water adjudication account in the state special revenue fund. This state special revenue fund supports Water Court activities related to the acceleration of adjudication of water claims. The legislation passed by the 2007 Legislature also establishes completion of initial claims examination as a higher priority than reexamination of claims that were subject to the verification process and requires that the Department of Natural Resources and Conservation (DNRC) develop a list of basins to be examined that is prioritized by year and updated annually. However, the Water Court may issue an order that makes reexamination a higher priority and is directed in statute to prioritize basins for the purpose of claims examination and reexamination by DNRC.

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Water Courts Supervision						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
02000 Total State Special Funds	\$ 943,676	100.0%	\$ 1,449,230	100.0%	\$ 1,507,212	100.0%
02272 Renewable Resources Grnt/Loans	764,398	81.0%	914,980	63.1%	948,665	62.9%
02431 Water Adjudication	179,278	19.0%	534,250	36.9%	558,547	37.1%
Grand Total	\$ 943,676	100.0%	\$ 1,449,230	100.0%	\$ 1,507,212	100.0%

The Water Court is supported entirely by state special revenue from the renewable resources grant and loan account and the water adjudication account. Legislation passed by the 2007 Legislature (HB 473 of the regular session) repealed the water adjudication fee and provided funding for the water adjudication account via a transfer from the general fund.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget approved by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2008-----					-----Fiscal 2009-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				377,406					378,291
Inflation/Deflation				929					1,017
Fixed Costs				(234)					(234)
Total Statewide Present Law Adjustments				\$378,101					\$379,074
DP 5001 - Water Court Rent Increase									
0.00	0	31,086	0	31,086	0.00	0	33,324	0	33,324
Total Other Present Law Adjustments									
0.00	\$0	\$31,086	\$0	\$31,086	0.00	\$0	\$33,324	\$0	\$33,324
Grand Total All Present Law Adjustments				\$409,187					\$412,398

DP 5001 - Water Court Rent Increase - The legislature provided \$31,086 in FY 2008 and \$33,324 in FY 2009 of state special revenue for increased rental costs due to expansion of the office space and negotiation of a new lease. The 2005 Legislature provided for acceleration of the adjudication of water claims. As part of this acceleration funding was provided to the Water Court to expand the number of staff by 6.5 FTE in FY 2006 and 7.0 FTE in FY 2007. To accommodate the new staff, the court office space was increased and the lease renegotiated. The new lease was effective in May 2006. This increase in rent annualizes the increased cost, including a 3 percent inflation factor, into the FY 2008 and 2009 budget.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 701 - Advancement to Water Master										
05	0.00	0	30,678	0	30,678	0.00	0	30,708	0	30,708
DP 6013 - 2009 Biennium Pay Plan - HB 13										
05	0.00	0	64,579	0	64,579	0.00	0	119,278	0	119,278
DP 6014 - Retirement Employer Contributions - HB 131										
05	0.00	0	1,110	0	1,110	0.00	0	1,152	0	1,152
Total	0.00	\$0	\$96,367	\$0	\$96,367	0.00	\$0	\$151,138	\$0	\$151,138

DP 701 - Advancement to Water Master - The legislature provided state special revenue of \$30,678 in FY 2008 and \$30,708 in FY 2009 to advance staff within the Water Court from law clerk to water master upon completion of training assignments.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	5.50	0.00	0.00	5.50	0.00	0.00	5.50	5.50
Personal Services	354,813	20,542	12,023	387,378	22,272	27,541	404,626	792,004
Operating Expenses	41,661	906	0	42,567	959	0	42,620	85,187
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$396,474	\$21,448	\$12,023	\$429,945	\$23,231	\$27,541	\$447,246	\$877,191
General Fund	396,474	21,448	12,023	429,945	23,231	27,541	447,246	877,191
Federal Special	0	0	0	0	0	0	0	0
Total Funds	\$396,474	\$21,448	\$12,023	\$429,945	\$23,231	\$27,541	\$447,246	\$877,191

Program Description

The Office of Clerk of the Supreme Court (Title 3, Chapter 2, Part 4, MCA) conducts the business of the court, and serves as the liaison between the public, attorneys, and the Supreme Court. The clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the court. Additionally, the clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's attorneys. The Clerk of the Supreme Court is an elected official.

Program Highlights

Clerk of Court Major Budget Highlights	
♦	Statewide present law adjustments for personal services and fixed costs, and funding for the 2009 biennium pay plan, are the only additions to the base budget included in the 2009 biennium budget

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Clerk Of Court						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 396,474	100.0%	\$ 429,945	100.0%	\$ 447,246	100.0%
01100 General Fund	396,474	100.0%	429,945	100.0%	447,246	100.0%
Grand Total	\$ 396,474	100.0%	\$ 429,945	100.0%	447,246	100.0%

The functions of the Clerk of the Supreme Court are funded entirely from the general fund. The office collects fees as provided in section 3-4-403 MCA which are deposited into the general fund.

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget approved by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					20,542					22,272
Inflation/Deflation					906					959
Total Statewide Present Law Adjustments					\$21,448					\$23,231
Grand Total All Present Law Adjustments					\$21,448					\$23,231

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2009 Biennium Pay Plan - HB 13										
06	0.00	11,575	0	0	11,575	0.00	27,067	0	0	27,067
DP 6014 - Retirement Employer Contributions - HB 131										
06	0.00	448	0	0	448	0.00	474	0	0	474
Total	0.00	\$12,023	\$0	\$0	\$12,023	0.00	\$27,541	\$0	\$0	\$27,541

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program’s allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	59.07	0.00	1.00	60.07	0.00	1.00	60.07	60.07
Personal Services	3,638,215	369,923	245,252	4,253,390	377,915	430,867	4,446,997	8,700,387
Operating Expenses	1,433,528	170,557	7,500	1,611,585	170,936	7,500	1,611,964	3,223,549
Equipment	0	0	0	0	630,000	0	630,000	630,000
Transfers	0	0	0	0	0	0	0	0
Total Costs	\$5,071,743	\$540,480	\$252,752	\$5,864,975	\$1,178,851	\$438,367	\$6,688,961	\$12,553,936
General Fund	5,044,574	539,849	252,752	5,837,175	1,178,220	438,367	6,661,161	12,498,336
State/Other Special	6,711	21,089	0	27,800	21,089	0	27,800	55,600
Federal Special	20,458	(20,458)	0	0	(20,458)	0	0	0
Proprietary	0	0	0	0	0	0	0	0
Total Funds	\$5,071,743	\$540,480	\$252,752	\$5,864,975	\$1,178,851	\$438,367	\$6,688,961	\$12,553,936

Agency Description

The Office of the Governor (office) exists under authority granted in Article VI of the Montana Constitution. The Governor has constitutional and statutory authority to administer the affairs of the State of Montana. The Governor appoints all military and civil officers of the state whose appointments are provided for by statute or the constitution, grants reprieves and pardons, and serves on various boards and commissions. The Governor approves or vetoes legislation, reports to the legislature on the condition of the state, and submits a biennial executive budget. The Governor also represents the state in relations with other governments and the public.

Agency Highlights

Governor's Office	
Major Budget Highlights	
The majority of the increases are due to statewide present law adjustments.	
Other adjustments include:	
<ul style="list-style-type: none"> ◆ In FY 2009 \$630,000 is included to purchase new engines for the Governor's plane ◆ The legislature transferred the executive protection function from the Governor's Office to the Department of Justice, reducing general fund base expenditures by \$187,826 ◆ A funding switch from federal funds to state special revenue based on legislative audit recommendations is included ◆ A new proposal for information technology staff in the Centralized Services Division was approved 	

Summary of Legislative Action

The legislature approved a budget increase over the base that includes \$1.7 million in statewide and present law adjustments and \$145,000 in new proposals.

Statewide present law adjustments of just over \$1 million for personal services increases were in addition to the pay plan increases included in HB 13. \$630,000 of general fund was included in FY 2009 to provide new engines in the Governor's plane. The executive had requested \$429,000 in FY 2008 for an engine overhaul. However, the legislature determined new engines at a slightly higher cost could extend the life of the plane up to 20 additional years.